IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

OP.No. 8153 of 2003(U)

PETITIONER:

POKKATH AUTO FUELS,
BHARAT PETROLEUM DEALER, IRINJALAKUDA,
REPRESENTED BY ITS PROPRIETOR, P.V. JOSE.

BY ADV. SRI.TOM K.THOMAS

RESPONDENTS:
---

1. BHARAT PETROLEUM CORPORATION LTD.,
REGD. OFFICE, BHART BHAVAN, P.B.NO.688,
MUMBAI-400 001, REPRESENTED BY ITS CHAIRMAN &
MANAGING DIRECTOR.

2. THE TERRITORY MANAGER,
BHARAT PETROLEUM CORPORATION LTD., ERNAKULAM,
TERRITORY OFFICE (RETAIL), KOCHI-682 039.

3. THE MARKETING EXECUTIVE (LUBES),
BHARAT PETROLEUM CORPORATION LTD., ERNAKULAM
TERRITORY OFFICE, (RETAIL), KOCHI-682 039.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, BPC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO. 8153/2003

ORDER ON CMP NO. 14253/2003 IN Original Petition NO.8153/2003

DISMISSED.

06/02/2007 Sd/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	COPY OF LETTER DATED 06/12/2002 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
EXT.P2	COPY OF LETTER ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.
EXT.P3	COPY OF REGISTERED LETTER ISSUED BY THE 2ND RESPONDENT VIDE NO.TM.E.TCR.17 DATED 03/02/2003.
EXT.P4	COPY OF TEST REPORT ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
EXT.P5	COPY OF EXPLANATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
EXT.P6	COPY OF ORDER NO.TM.E.TCR.17 DATED 25/02/2003 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
EXT.P7	COPY OF THE JUDGMENT DATED 19/09/1997 IN CIVIL APPEAL NO.6593 OF 1997 OF THE HON'BLE SUPREME COURT.
EXT.P8	COPY OF THE RECEIPT ISSUED BY THE PETITIONER TO M/S. BHARATH PETROLEUM CORPORATION.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 8153 of 2003

Dated, this the 6th day of February, 2007

J U D G M E N T

The petitioner is challenging order suspending his dealership for one week and imposing fine of Rs. 10,000/- for alleged sale & supply of low quality petroleum products. The petitioner suffered suspension and remaining challenge is against levying of fine of Rs. 10,000/-. Even though fine is a small amount, the petitioner is afraid whether the fine will go to support subsequent irregularities, if any noticed, for serious action on account of cumulative effect of the offence, for which penalty is levied. This apprehension will have relevance only if petitioner is involved in a future offence. This O.P. is therefore closed leaving freedom to the petitioner to challenge the impugned order, if the same is raised against the petitioner later for higher punishment, as and when fresh offence is detected.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg